

Addendum

Medical Malpractice  
Testimony

Affidavits



Insurance Solutions for Healthcare Providers

Robert L. Wortelboer, Esquire  
Senior Legal Counsel

July 15, 2003

*Via Hand Delivery*

Senator J. Alex Villalobos  
Chairman, Committee On Judiciary  
Senate Office Building, Room 305  
404 South Monroe Street  
Tallahassee, Florida 32399

Re: Affidavit of Robert E. White, Jr.

Dear Chairman Villalobos:

Please find enclosed, the affidavit of Robert E. White, Jr., President of First Professionals Insurance Company, Inc., which shall serve to correct and/or clarify two statements that he made during his testimony before the Senate Judiciary Committee on July 14, 2003. Please supplement the official record with Mr. White's affidavit. Thank you for your cooperation in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Wortelboer", with a large, sweeping flourish extending to the left.

Robert L. Wortelboer, Esq.  
Vice President & Secretary  
First Professionals Insurance Company, Inc.

**AFFIDAVIT**

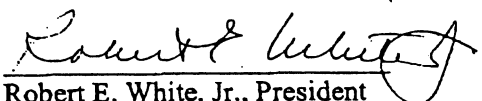
**STATE OF FLORIDA  
COUNTY OF DUVAL**

BEFORE ME the undersigned authority, duly authorized to administer oaths and take acknowledgements, personally appeared Robert E. White, Jr., who, after being duly sworn, deposes and says:

1. My name is Robert E. White, Jr., and I am the President of First Professionals Insurance Company, Inc ("FPIC"). I am over the age of twenty-one (21) years and I am competent to make this Affidavit.
2. I voluntarily appeared before the Senate Judiciary Committee on July 14, 2003 in Tallahassee, Florida and provide testimony under oath. Immediately after the conclusion of the hearing, I discovered the need to correct and/or clarify two statements that I made during my testimony. The correction and/or clarification is set forth below:
  - a. For a FPIC insured, the mature (5<sup>th</sup> year of practice) base rate of premium for a physician practicing in the specialty of obstetrics and gynecology in Dade County, Florida with a coverage limit of \$250,000/\$750,000 is \$119,181; and
  - b. Direct medical malpractice paid losses in the State of Florida for FPIC in the year 2002 as reported in our Annual Statement filed with the Florida Office of Insurance Regulation is as follows: indemnity \$44,823,134 and allocated loss adjustment expense \$24,375,944.

Further Affiant Sayeth Naught.

Dated this 15th day of July, 2003.

  
Robert E. White, Jr., President  
First Professionals Insurance Company, Inc.

**STATE OF FLORIDA  
COUNTY OF DUVAL**

Subscribed and sworn to (or affirmed) before me this 15th day of July, 2003 by Robert E. White, Jr., who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public,

Commission Number \_\_\_\_\_

Signature of Notary  (Name of Notary, typed, printed or stamped)



Christina M. Allison  
MY COMMISSION # CC883886 EXPIRES  
January 12, 2004  
BONDED THRU TROY FAIN INSURANCE, INC

Robert E. Cline, M.D., *President*  
Carl W. "Rick" Lentz, M.D., *President-Elect*  
Troy M. Tippet, M.D., *Vice President*  
Dennis S. Agliano, M.D., *Secretary*  
James B. Dolan, M.D., *Treasurer*  
Patrick M. J. Hutton, M.D., *Speaker*  
Madelyn E. Butler, M.D., *Vice Speaker*  
H. Frank Farmer, Jr., M.D., Ph.D., *Past President*



## FLORIDA MEDICAL ASSOCIATION, INC.

P.O. Box 10269 ♦ Tallahassee, Florida ♦ 32302 ♦ 113 E. College Ave. ♦ 32301  
(850) 224-6496 ♦ (850) 222-8827-FAX ♦ Internet Address: [www.fmaonline.org](http://www.fmaonline.org)

Sandra B. Mortham, *EVP & CEO*

July 18, 2003

The Honorable J. Alex Villalobos  
Chairman, Senate Judiciary Committee  
515 Knott Building  
Tallahassee, Florida 32399

Dear Senator Villalobos:

During the Senate Judiciary Committee meeting on July 14, 2003, several questions were asked concerning the number of licensed physicians in Florida. Your committee and other Senators have attempted to use the answers given to demonstrate that Florida does not have an access to care problem. Nothing could be further from the truth. I have enclosed an affidavit that contains information that puts the testimony you received in proper context and shows that there is a problem with access to care. I respectfully ask that you supplement the Judiciary Committee's record with this information.

Sincerely,

Sandra B. Mortham  
Executive Vice President/CEO  
Florida Medical Association

## **AFFIDAVIT**

### **STATE OF FLORIDA, COUNTY OF LEON**

BEFORE ME, the undersigned authority, personally appeared SANDRA B. MORTHAM, who being first duly sworn, deposes and states:

1. I am the EVP/CEO of the Florida Medical Association.
2. The Florida Medical Association represents approximately 16,000 Florida physicians.
3. On July 14, 2003, I was invited to and did voluntarily give sworn testimony before the Senate Judiciary Committee.
4. I was not informed in advance as to what I would be asked during my testimony or even informed of the subject matter of the questioning.
5. I was asked several questions dealing with physicians leaving the state of Florida and having had a chance to adequately consider what was asked, I would like to supplement my testimony as follows.
6. The assertion that the total number of Florida licensed physicians is rising does not, in and of itself, establish that physicians are not leaving the state of Florida because of the professional liability insurance crisis.
7. Florida's population is rising, so it would be logical that the number of licensed physicians would rise as well.
8. Many physicians that leave Florida to practice in another state keep their Florida license.
9. Most physicians that retire, stop practicing, or limit their practice keep their Florida license.
10. Physicians that stop seeing certain types of patients or that restrict or stop doing high risk procedures yet continue to practice in medicine in Florida, still have to maintain a Florida license.
11. Department of Health data does not reflect these types of changes in practice.
12. The Department of Health's information on the number of Florida licensed physicians cannot be used to determine the number that have left the state, stopped practicing, stopped seeing certain patients, or reduced or stopped doing high risk procedures. Due to this fact, the Florida Medical Association conducted a survey of physicians in December of 2002 to ascertain this information.
13. From the more than 2,600 verified responses obtained, the results unequivocally demonstrate that the current professional liability insurance crisis was adversely affecting access to care.
14. The survey showed that:
  - a. Nearly 68 percent of the responding physicians had reduced or stopped performing certain procedures.
  - b. More than 65 percent of the responding physicians had stopped seeing certain types of patients.

- c. More than 46 percent were considering discontinuing the practice of medicine.
  - d. More than 40 percent had stopped or reduced emergency room calls.
  - e. Nearly 35 percent had cut back on hospital coverage.
  - f. More than 23 percent had stopped seeing patients at nursing homes.
  - g. 98 of the responding physicians had actually stopped practicing medicine.
15. Every time a physician with an established practice leaves Florida, an estimated 5,000 patients are impacted. The patients include pregnant women, senior citizens, and people with ongoing health issues who have developed a bond of trust with their doctor and who must now find someone else to care for them.
16. To focus solely on the numbers of licensed physicians or the number of applicants for licensure is grossly misleading. To base your conclusions on the problems of access to care on these statistics does a disservice to the citizens of Florida.

FURTHER AFFIANT SAYETH NAUGHT



The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of July, 2003, by Sandra B. Mortham, who is personally known to me and who did take an oath.



NOTARY PUBLIC  
My Commission Expires:

